REMARKS

Claims 25, 27 and 29 have been amended. Claims 25, 27 and 29 are pending in this application. Applicant reserves the right to pursue the original claims and any other claims in this and other applications.

Claims 25 and 27 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection is respectfully traversed. Claims 25 and 27 have been amended to address the concern raised in the Office Action. Accordingly, Applicant respectfully submits that the rejection should be withdrawn and the claims allowed.

Claims 25, 27 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kume (U.S. Patent No. 6,203,433) in view of Collins (U.S. Patent No. 5,963,951) and in further view of Chopra (U.S. Patent No. 6,631,466). The rejection is respectfully traversed.

Claim 25 recites a game task execution management method. The method comprises the act of "registering on a database of the server information . . . including plural items which the players want to register on the server, said items including a current progress status of the game being executed on each of the terminals." In addition, "when . . . a request for participating in the game being currently in progress on another terminal on the network when said request is made" is received, the method comprises "searching at least one matching the request among the terminals currently on the network of the players registered on the database and the one on which the game is already started and currently in progress." The method further comprises "sending to the terminal all the request control information necessary for starting the game program from an intervene stage of the game already started and currently in progress on the another terminal selected as matching the request, so that all of the terminals selected as a team have common control information from said intervene

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stage of the game for playing the game in which the players selected as the team work together in cooperation with one another toward a common task on the game executing on the respective terminals."

That is, the claimed invention is characterized by the following features, which Applicant respectfully submits are missing from the cited combination:

> (a)   the server information includes plural items that the players want to register on the server, said items including <u>a current progress status of the game being executed on each of the terminals;</u>
>
> (b)   searching at least one matching the request among the terminals currently on the network of the players registered on the database; and
>
> (c)   sending to the terminal on the request control information necessary for <u>starting the game program from an intervene stage of the game</u> currently being played on the terminal(s) selected as matching to the request.

Moreover, Applicant respectfully submit that there is a difference between the recited "items" and "control information," which the Office Action appears to over look. For example, the claimed "items" include the "current progress status of the game being executed on each of the terminals." These items are registered from each terminal to the server. The "control information," on the other hand, is information necessary for starting the game program from an intervene stage of the game that is already started and currently in progress on another terminal. The "control information" is sent from the server to each terminal.

Applicant respectfully submits that the cited combination fails to disclose, teach or suggest at least the foregoing limitations. For example, as argued previously, Kume relates to a network game system that carries out indoor games such as Shogi,

Igo, Chess, Othello game, Mah-jong, and Fighting-type television games. Based on the
characteristics of these games, the games have to be started each time from the
beginning of the game, and cannot be joined and/or started from an intervening stage
of a game currently being played. Thus, Kume cannot disclose, teach or suggest a game
method that can "[register] on a database of the server information . . . including plural
items which the players want to register on the server, said items including a current
progress status of the game being executed on each of the terminals," much less a game
method that can "[search] at least one matching the request among the terminals
currently on the network of the players registered on the database and the one on
which the game is already started and currently in progress" or "[send] to the terminal
all the request control information necessary for starting the game program from an
intervene stage of the game already started and currently in progress on the another
terminal selected as matching the request," as recited in claim 25.

The Office Action seeks to overcome the deficiencies of Kume by combining
it with Collins and Chopra. Chopra, however, is cited merely for teaching parallel
string pattern searches and does not remedy any of the shortcomings of Kume. Collins
also does not cure the deficiencies of Kume for at least the following reasons.

For example, Collins fails to disclose, teach or suggest a game method that
can "[register] on a database of the server information . . . including plural items which
the players want to register on the server, said items including a current progress status
of the game being executed on each of the terminals," "[search] at least one matching
the request among the terminals currently on the network of the players registered on
the database and the one on which the game is already started and currently in
progress" or "[send] to the terminal all the request control-information necessary for
starting the game program from an intervene stage of the game already started and
currently in progress on the another terminal selected as matching the request."

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Collins by contrast relates to a computerized on-line dating service for searching and matching people by a percentage match parameter value. (See Collins Abstract). The Office Action asserts that Collins refers to allowing the players of a team to execute a common task of the game on the respective terminals in corporation with each other while connected to the server via network. (Office Action at 3-4). Applicant, however, respectfully disagrees.

Collins, instead, refers to accessing a database from a terminal and searching the information of the database to find out a matching subscriber using search criteria. Moreover, in Collins, a user operates the terminal only <u>until</u> they find a matching subscriber using the search criteria. Then, <u>after</u> finding a matching subscriber, the user communicates with the matched subscriber using a separate method such as by telephone or letter, not through the terminal itself. Thus, Collins does not disclose, teach or suggest the above cited limitations.

Therefore, Kume, Collins and Chopra, whether considered alone or in combination, fail to disclose, teach or suggest all limitations of claims 25.

Moreover, it would not have been obvious to one of ordinary skill in the art to combine the cited references to achieve the claimed invention. Collins and Chopra fail to teach or suggest how to modify Kume to obtain the claimed invention. There is therefore no *prima facie* case of obviousness. Obviousness is based on factual findings. "Whether a patent claim is obvious under section 103 depends upon the answer to several factual questions and how the factual answers meld into the legal conclusion of obviousness *vel non*." *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351 (Fed. Cir. 2001). The four underlying factual inquiries are: (1) the scope and content of the prior art; (2) the differences between the claims and the prior art; (3) the level of ordinary skill

in the pertinent art; and (4) secondary considerations, if any, of non-obviousness. *Graham v. John Deere Co.*, 393 U.S. 1, 17-18 (1966).

Applicant respectfully submits that there is no motivation to combine the cited references to obtain the invention of claim 25. Motivation or suggestion to combine or modify prior art references "must be clear and particular, and it must be supported by actual evidence." *Teleflex, Inc. v. Ficosa North America Corp.*, 299 F.3d 1313, 1334 (Fed. Cir. 2002). Because the "genius of invention is often a combination of known elements which in hindsight seems preordained," the Federal Circuit requires a "rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." *McGinley*, 262, F.3d at 1351. Yet there is no teaching or suggestion within any of the references that provide a motivation to combine them.

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990). Thus, a showing of an obvious combination requires more than just an amalgam of references, each of which provides one feature of the claimed invention.

The Office Action has done no more than cite a group of references, each of which allegedly provides only part of the claimed invention, and allege that their combination renders the invention obvious. However, without the benefit of hindsight, there would have been no motivation to combine these references and the Office Action has failed to provide proof of any such motivation. This is one more reason why claim 25 is allowable over the cited combination.

Claims 27 and 29 recite similar limitations as described above. Consequently, for at least the reasons set forth above, the Kume, Collins and Chopra combination does not disclose, teach or suggest all limitations of claims 27 and 29.

Accordingly, Applicant respectfully requests that the rejection be withdrawn and the claims allowed.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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